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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,726	02/28/2002	Yutaka Tsubokura	218954USOXPCT	5336

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PENG, KUO LIANG

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,726

Applicant(s)

TSUBOKURA ET AL.

Examiner

Kuo-Liang Peng

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/4/02 IDS.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/28/02, 12/4/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: English translation of 09-291213.

DETAILED ACTION

1. The Applicants' preliminary amendment filed on February 28, 2002 was received. Claims 5-6 are amended. Claims 7-8 are added. Now, Claims 1-8 are pending.
2. The foreign priority documents, JP 2000-195763 and JP 2000-195764, have not been received.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Izutsu (JP 62-197451).

Izutsu discloses a polyarylene sulfide resin composition comprising 100 parts by weight of a polyphenylene sulfide, 25 to 400 parts by weight of an inorganic filler and 0.2 to 25 parts by weight of an organosilane and modified or

unmodified silicone oil. The modified silicone oil can possess alkoxy groups. The viscosity of the silicone oil can be from 10 to 5,000,000 ctsk (cSt). A silicone oil of polydimethylsiloxane having 50 ctsk is used in Examples. (page 1, lower left column, page 3, upper left column to page 3, lower left column and Examples)

The English translation of Izutsu has been requested by Examiner. It will be available to Applicants later upon request.

4. Claims 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishio (JP 09-291213).

Ishio discloses a polyarylene sulfide resin composition comprising a polyphenylene sulfide, a silicone oil and a filler. The silicone oil can have a viscosity of 30 to 5,000 mm²/s.. The filler can be a carbon black used in an amount of from 10.05 to 52 wt%. ([0009], [0025], [0027], [0037]-[0038] and Examples)

The silicone oil can be a polydimethylsiloxane can have hydroxy groups or alkoxy groups. ([0026])

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady (US 3 929 708) as evidenced by Freeman (Silicones, published for the Plastics Institute, (1962)).

Brady discloses a polyarylene sulfide resin composition comprising a polyarylene sulfide, a silicone fluid and a filler. The silicone fluid can be polydimethylsiloxane, etc. having a molecular weight up to about 3000, which has about 40 dimethylsiloxy repeating units. (col. 1, lines 3-4, col. 2, lines 4-54 and Examples) The amount of the silicone fluid is described in col. 2, lines 36-45. Freeman teaches that the viscosity of a polydimethylsiloxane can be expressed as

$$\text{Log } \eta = 0.1 n^{1/2} + 1.1 \quad (\text{Freeman, page 27})$$

Therefore, the polydimethylsiloxane having a molecular weight of about 3000 has a viscosity of about 54 cSt. Brady is silent on the amount of the filler used.

However, Brady teaches the use of the composition in the processes of extrusion, filling a mold, etc. Brady teaches that the processibility of the composition and the physical properties (e.g., tensile) of the final product are very import. (col. 3, lines

4-25 and col. 5, line 4-17). It is known in the art that the amount of a filler plays a major role in the processability (viscosity) in these process and the physical properties of the final product. In other words, the amount of the filler is a Result-Effective variable. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate whatever amount of the filler through routine experimentation in order to obtain a composition having a proper processability or a final product having a proper physical properties. Especially, Applicants do not show the criticality of the amount of the filler. See MPEP 2144.05 (II).

Allowable Subject Matter

7. Claims 1-2 are allowed.

8. The following is an examiner's statement of reasons for allowance:

None of the above reference teaches or fairly suggest a polyarylene sulfide resin composition comprising the an oxidized polyethylene wax.

Mawatari (US 5 614 568) discloses a composition comprising an oxidized polyethylene (col. 8, lines 14-15) and a polyphenylene sulfide (col. 14, line 33).

However, Mawatari does not teach or fairly suggest the use of an oxidized

polyethylene having the specific characteristics set forth in the present invention. Especially, Applicants show the criticality of the specific characteristics of the oxidized polyethylene in the specification. (page 9, last paragraph to page 10, 2nd paragraph)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp
September 27, 2004

Kuo-Liang Peng
Primary Examiner
Art Unit 1712



KUO-LIANG PENG
PRIMARY EXAMINER